

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Peng T. Ong	§	Group Art Unit: 2136
	§	
	§	
Serial No.: 10/617,607	§	Examiner: Johnson, Carlton
	§	
Filed: July 11, 2003	§	Attorney Docket No.: AUS920085001US2
	§	
For: Method for Consolidation of	§	Customer No. 50170
User Directories	§	

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Amendment was received by Applicant stating that “the drawings are not properly identified in the top margin as “Replacement Sheet”, “New Sheet”, or “Annotated Sheet” as required by 37 CFR 1.121(d).” A copy of the Notice of Non-Compliant Amendment is attached hereto.

In response to the Notice of Non-Compliant Amendment, Applicant respectfully submits that the copy of Figure 7 attached to the Response filed April 30, 2008 was not an amendment to the Figures and should not have been considered an amendment to the Figures since it is clear from the remarks made by Applicant in the Response that this copy of Figure 7 was for facilitating Applicant’s arguments and was provided as evidence to be considered by the Examiner. Therefore, since the copy of Figure 7 that was attached to the Response was not an amendment to the Figures, there is no requirement that the Figure be identified as a “Replacement Sheet,” “Annotated Sheet,” or “New Sheet.”

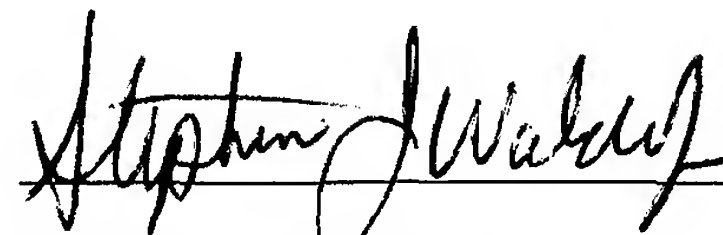
In a June 16, 2008 telephone interview with Examiner Johnson, Examiner Johnson indicated that Legal Instruments Examiner (LIE) Monique Brunson indicated that, even though the Response was supposedly "Non-Compliant," the marked up copy of Figure 7 was entered as a replacement for the original Figure 7 (even though Applicant never requested that the marked up copy of Figure 7 be a replacement for the original Figure 7). Thus, according to LIE Brunson, a Response to the Notice of Non-Compliant Amendment needed to be filed with a copy of the original Figure 7 marked as a "Replacement Sheet."

Accordingly, Applicant is filing herewith a copy of the "Replacement Sheet" Figure 7 as requested. Moreover, Applicant is filing a modified form of the Response filed April 30, 2008 in which the marked up Figure 7 is inserted into the Remarks so that it is clear that this marked up copy of Figure 7 is not an amendment to the figures. Thus, Applicant respectfully requests withdrawal of the Notice of Non-Compliant Amendment.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

Date: June 17, 2008



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UNITED STATES PATENT AND TRADEMARK OFFICE

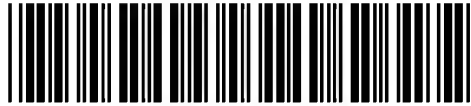
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Paper No.

Application No.:	10/617,607	Date Mailed:	05/23/2008
			
First Named Inventor:	Ong, Peng, T.	Examiner:	JOHNSON, CARLTON
Attorney Docket No.:	AUS920085001US2	Art Unit:	2136
Confirmation No.:	2901	Filing Date:	07/11/2003

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. 10/617,607	Applicant(s) ONG, PENG T.	
		Art Unit 2800	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 30 April, 2008 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
 - ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
 - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
 - ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
 - ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance, or a drawing submission (only) If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1 to 4 are checked, the correction required is only the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

- Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or
- Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Legal Instruments Examiner (LIE), if applicable /MONIQUE BRUNSON/

Telephone No: (571)272-1561